

REMARKS

Applicant thanks the Examiner for review of the present application.

The Office Action of September 28, 2006, rejects Claims 1-54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,932,863 to Rathus et al. in view of U.S. Patent 7,109,967 to Hioki et al. ("the Hioki patent").

Applicant presents the following remarks in response to the rejection of the Office Action.

REJECTION UNDER 35 U.S.C. § 103(A)

The Hioki patent was filed in the United States on March 31, 2003, claiming priority to Japanese Patent Application No. 2002-093812 filed March 29, 2002, and Japanese Patent Application No. 2002-143181 filed May 17, 2002.

The present application was filed March 19, 2004, claiming priority to U.S. Provisional Patent Application No. 60/457,115 filed March 21, 2003, and U.S. Provisional Patent Application No. 60/460,353 filed April 3, 2003. Moreover, the present application is a continuation-in-part of U.S. Patent Application Serial No. 10/682,435 filed October 10, 2003, now U.S. Patent 6,917,301, which claims priority to, *inter alia*, U.S. Provisional Patent Application Serial No. 60/429,044 filed November 22, 2002. Applicant notes that the filing date of U.S. Provisional Patent Application Serial No. 60/429,044 was corrected in the specification by a Preliminary Amendment filed June 14, 2004.

Applicant submits that the subject matter of the claimed invention of the present invention was described by Applicant no later than in U.S. Provisional Patent Application Serial No. 60/429,044 filed November 22, 2002. Applicant notes, for example, pages 24-25 of U.S. Provisional Patent Application Serial No. 60/429,044 with regard to Figures 18A-18C, describing and showing, *inter alia*, "a flexible floor display 1800 with flexible electronic display 1820." In combination with such other additional disclosure described and shown in U.S. Provisional Patent Application Serial No. 60/429,044 and those priority applications predating U.S. Provisional Patent Application Serial No. 60/429,044, Applicant submits that the features of the pending claims are supported by a priority date of no later than November 22, 2002.

As such, Applicant submits that the Hioki patent does not qualify as prior art for a § 103(a) rejection. No evidence is presented that the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent. *See* 35 U.S.C. § 102(a). No evidence is presented that the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. *See* 35 U.S.C. § 102(b). In regard to

§§ 102 (a) and (b), Applicant notes that the records of the Japanese Patent Office indicate that the patent that issued from the two Japanese Patent Applications was not published until February 12, 2004, as Japanese Patent Publication 2004-046792. Furthermore, Applicant submits that the Hioki patent and its Japanese priority patent applications do not qualify as § 102(e) prior art to the present application because the Hioki patent was not filed in the United States before the invention by the Applicant (*see* 35 U.S.C. § 102(e)(1)) and is not a patent granted on an application filed in the United States, or an international application filed under the Patent Cooperation Treaty designating the United States and published in English, before the invention by the Applicant (*see* 35 U.S.C. § 102(e)(2)).

Applicant submits that the above remarks traverse the § 103(a) obviousness rejections of the Office Action, in so much as the Hioki patent does not qualify as prior art to the present application.

Accordingly, Applicant submits that Claims 1-54 are patentable over the cited references that qualify as prior art and that the above remarks traverse the rejections of the Office Action of September 28, 2006.

Conclusion

In view of the foregoing comments, Applicant submits that all of the pending claims of the present application, as amended, are in condition for allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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